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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,359	11/14/2001	Dieter Brueckner	Q65749	6935

7590 09/30/2004  
 SUGHRUE MION, PLLC  
 2100 Pennsylvania Avenue, NW  
 Washington, DC 20037-3213

EXAMINER

HO, THE T


ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/987,359	BRUECKNER ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	The Thanh Ho	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/14/2001</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is in response to the application filed 11/14/2001.
2. Claims 1-18 have been examined and are pending in the application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rananand U.S Patent No. 5,935,213.

**As to claim 1**, Rananand teaches a network (network of Fig. 1) comprising computer systems (plurality of computer systems 12s, Fig. 1), the network being divided into segments connected with one another by coupling devices (a plurality of switching nodes for transferring signals representing data among a number of devices, lines 25-28 column 3), the coupling device determine from a received message, a data rate used for transmitting the message (each switching node along the backward direction update the rate control information in the RM cell, lines 41-43 column 5; lines 32-60 column 13), wherein said first coupling device generates a special message which contains a previously established data rate as information, and sends the special message at a fixed predefined data rate to neighboring computer systems or coupling devices (...each

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switching node along the backward direction may update the rate control information in the RM cell if it determines that, for example, because of network congestion or otherwise, it is unable to accommodate the transfer rate at the level that is indicated in the RM cell that it receives. Accordingly, when the RM cell reaches the source computer system it will provide rate control information that regulates the rate to reflect the lower of rate at which the destination computer system can receive cells CELL, or the lowest rate that can be accommodated by any of the switching nodes along the connection..., lines 41-52 column 5),

wherein the coupling device has a receiving device (input port module, line 45 column 7) and a bus interface (int interface 80, Fig. 5) for the same channel, the receiving device being set to the fixed predefined data rate of the special message (input port modules in switching node for buffering cells and forward RM cells prior to transmission to the output port modules, lines 14-23 column 8) and the bus interface being adjustable to be set to different data rates (...the transmit interface 84 also receives backward RM cells over the communication links and provides them to the RM cell stamping unit 86. The RM cell stamping unit receives the rate control information generated by the RM cell information generator module 85, loads the rate control information into the respective backward RM cells, and provides the backward RM cells to the internal interface 80..., line 63 column 8 to line 5 column 9; lines 32-60 column 13),

wherein the receiving device and the bus operate in such a way that the data rate of the bus interface is set to the data rate that is contained as the information in the

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special message received by the receiving device (each switching node along the backward direction may update the rate control information in the RM cell, lines 41-43 column 5; switching nodes will control the rate control information for RM cells traveling in the backward direction, lines 55-63 column 6; lines 32-60 column 13).

Rananand does not explicitly teach subscribers. However, as disclosed above (lines 31-40 column 3), the computer systems 12s process data in accordance with their program instructions to generate processed data. In their processing, a computer system 12 may, as a source computer system, need to transfer data to another computer system destination 12 which may need to use the transferred information in its operations. Therefore one of ordinary skill in the art would conclude that the system of Rananand is in fact a system of publisher and subscriber wherein the subscriber registers to receive the information or events from the publisher and use it in its application.

**As to claim 2**, Rananand as modified further teaches a plurality of further coupling devices that operate as the first coupling device (multiple switching nodes 11s, Fig. 1; lines 25-44 column 3).

**As to claim 3**, Rananand teaches a communication system (Fig. 1) comprising:  
a plurality of computer systems (plurality of computer systems 12s, Fig. 1) each operable to transmit regular data messages to another computer system and each computer system operable to receive regular data messages from another computer systems (...computer systems 12s process data, in accordance with their program instructions to generate processed data. In their processing, a computer system may,

as a source computer system, need to transfer data, processed data and/or program instructions to another, destination, computer system 12s, which may need to use the transferred information in its operations..., lines 31-40 column 3);

a plurality of coupling devices (a plurality of switching nodes for transferring signals representing data among a number of devices, lines 25-28 column 3) operably connected to said computer systems (switching nodes 11s connect to computer systems 12s, Fig. 1), wherein each of said coupling devices corresponds to a respective computer system (switching node 11(1) corresponds to computer system 12(1), etc, Fig. 1);

a communication medium (communication lines 13s, Fig. 1) operably connected to each of said coupling devices and capable of bidirectionally transmitting the regular data messages between said coupling devices (...the switching nodes are interconnected by communication links to facilitate the transfer of data thereamong. Each communication link is preferably bi-directional, allowing the switching nodes to transmit and receive signals among each other and with computer systems connected thereto over the same link..., lines 45-55 column 3),

wherein at least one of said coupling devices is operable to directly determine a transmission rate of a transmitted regular data message and generate a special data message which includes the determined transmission rate as information (...each switching node along the backward direction may update the rate control information in the RM cell if it determines that, for example, because of network congestion or otherwise, it is unable to accommodate the transfer rate at the level that is indicated in

the RM cell that it receives. Accordingly, when the RM cell reaches the source computer system it will provide rate control information that regulates the rate to reflect the lower of rate at which the destination computer system can receive cells CELL, or the lowest rate that can be accommodated by any of the switching nodes along the connection..., lines 41-52 column 5).

Rananand does not explicitly teach subscribers. However, as disclosed above (lines 31-40 column 3), the computer systems 12s process data in accordance with their program instructions to generate processed data. In their processing, a computer system 12 may, as a source computer system, need to transfer data to another computer system destination 12 which may need to use the transferred information in its operations. Therefore one of ordinary skill in the art would conclude that the system of Rananand is in fact a system of publisher and subscriber wherein the subscriber registers to receive the information or events from the publisher and use it in its application.

**As to claim 4**, Rananand as modified further teaches the coupling device transmits the special data message at a fixed transmission rate to at least others of said coupling devices or said subscribers (switching node transfer the backward message to the source computer system, lines 39-55 column 5).

**As to claims 5-7**, they are computer communication system claims of claim 1. Therefore, they are rejected for the same reasons as claim 1 above.

**As to claim 8**, it is a computer communication system claim of claims 1 and 3. Therefore, it is rejected for the same reasons as claims 1 and 3 above.

**As to claim 9**, Rananand as modified further teaches the communication segments carry electrical signals (...digital communications systems for facilitating communication of digital data in digital image, audio and video distribution systems and among digital computer systems..., lines 6-10 column 1).

**As to claim 10**, Rananand as modified further teaches the communication medium is a fiber optic medium (transmission medium of each communication link is selected to comprise one or more fiber optic links, lines 48-51 column 3).

**As to claim 11**, it is a computer coupling device claim of claims 1 and 3-4. Therefore, it is rejected for the same reasons as claims 1 and 3-4 above.

**As to claim 12**, it is a computer coupling device claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Rananand as modified further teaches a plurality of receiving devices (multiple input port modules 60s, Fig. 5); and a plurality of bus interface devices (multiple int interface 80 of multiple output port modules 61s, Fig. 5).

**As to claim 13**, it is a computer coupling device claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

**As to claim 14**, it is a computer device claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above. Rananand as modified further teaches a control signal (bus 62, line 54 column 7).

**As to claim 15**, it is a computer device claim of claim 1. Therefore, it is rejected for the same reasons as claim 1 above.

**As to claim 16**, Rananand as modified further teaches a bus interface device input signal, operable to provide control information to said bus interface device (bus carrying signal from bus 62 to int interface 80, Fig. 5).

**As to claims 17-18**, they are method claims of claim 1. Therefore, they are rejected for the same reasons as claim 1 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450


Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.
- OFFICAL faxes must be signed and sent to (703) 872 - 9306.
- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

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